UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

Miyano Machinery USA Inc.,)
Plaintiff,) Civil Action No. 08 C 526
V.) Hon. Virginia Kendall
MiyanoHitec Machinery, Inc., Thomas ("Tom") Miyano, a/k/a Toshiharu)) Magistrate Judge Nolan
Miyano and Steven Miyano, a/k/a Shigemori Miyano,))
Defendants)) JURY TRIAL DEMANDED)
MiyanoHitec Machinery, Inc., Thomas ("Tom") Miyano, a/k/a Toshiharu Miyano and Steven Miyano, a/k/a Shigemori Miyano,)))))
Counterclaim-Plaintiffs)
v.)
Miyano Machinery USA Inc.)
Counterclaim-Defendant)
and))
Miyano Machinery, Inc.))
Third-Party Defendant)

NOTICE OF MOTION

To:

Geoffrey A. Baker Geoffrey D. Smith DOWELL BAKER, P.C. 201 Main Street, Suite 710 Lafayette, Indiana 47901 (765) 429-4004 telephone (765) 429-4114 facsimile gabaker@dowellbaker.com

Robert M. Karton ROBERT M. KARTON, LTD. 77 W. Washington St., Suite 900 Chicago, Illinois 60602-2804 (312)214-0900 telephone (312)214-4230 facsimile robert@karton.us Vernon W. Francissen
FRANCISSEN PATENT LAW, P.C.
53 W. Jackson Blvd.,
Suite 1320
Chicago, Illinois 60604
(312)294-9980 telephone
(312)275-8772 facsimile
vern@francissenpatentlaw.com

PLEASE TAKE NOTICE, that on **Tuesday, May 1, 2008** at 9:00 a.m. or as soon thereafter as counsel may be heard in the above-captioned action, Plaintiff, Miyano Machinery USA Inc., shall appear before Magistrate Judge Nolan in the courtroom usually occupied by her, or before any Judge sitting in her stead, and shall then and there present the motion entitled Plaintiff's Motion to Compel Production of Written Declarations of Kenichi Harada, Shoji Takamori, and Jisaburo Nakajima.

Respectfully submitted,

Dated: April 28, 2008

s/Edward D. Manzo Edward D. Manzo Joel Bock Louis J. Alex Jason R. Smalley Attorneys for Plaintiff

Edward D. Manzo I.D. # 03124728 Joel Bock I.D. # 00239984 Louis J. Alex I.D. # 06274458 Jason R. Smalley I.D. # 06287426 COOK, ALEX, McFARRON, MANZO, CUMMINGS & MEHLER, LTD. 200 West Adams Street, Suite 2850 Chicago, IL 60606

Phone: (312) 236-8500 Fax: (312) 236-8176 emanzo@cookalex.com

CERTIFICATE OF SERVICE

The undersigned declares that he/she is over the age of 18 years, not a party to this action, and employed in the County of Cook, by Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd., Attorneys at Law, 200 West Adams Street, Suite 2850, Chicago, Illinois 60606.

On the date listed below, I caused the filing of the foregoing <u>Notice of Motion</u> with all its attachments and exhibits. I caused the service of these aforementioned documents on the following individuals, as addressed below, by the means indicated, and on the date listed below:

Geoffrey A. Baker Geoffrey D. Smith DOWELL BAKER, P.C. 201 Main Street, Suite 710 Lafayette, Indiana 47901 (765) 429-4004 telephone (765) 429-4114 facsimile gabaker@dowellbaker.com Robert M. Karton ROBERT M. KARTON, LTD. 77 W. Washington St., Suite 900 Chicago, Illinois 60602-2804 (312)214-0900 telephone (312)214-4230 facsimile robert@karton.us Vernon W. Francissen
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53 W. Jackson Blvd.,
Suite 1320
Chicago, Illinois 60604
(312)294-9980 telephone
(312)275-8772 facsimile
vern@francissenpatentlaw.com

Nancy E. Sasamoto
Steven L. Katz
George H Kobayashi
MASUDA, FUNAI, EIFERT & MITCHELL, LTD.
203 N. LaSalle St.
Suite 2500
Chicago, IL 60601
312-245-7500 telephone
nsasamoto@masudafunai.com
skatz@masudafunai.com
gkobayashi@masudafunai.com

- X (BY ELECTRONIC MEANS) I caused this document to be electronically mailed (emailed) to Vernon W. Francissen, at the address shown above.
- X (BY ELECTRONIC MEANS) I cause each such document to be sent by electronic means through the Electronic Court Filing system to Nancy Sasamoto, Steven Katz, George H Kobayashi, Geoffrey A. Baker, Geoffrey D. Smith and Robert M. Karton at the address shown above, pursuant to LR 5.9.

Executed on April 28, 2008 at Chicago, Illinois.

Signed: /s Edward Manzo